

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES,

1:18-cr-0653 (NLH)

MEMORANDUM OPINION & ORDER

v.

EUGENE SPARROW,

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**APPEARANCES:**

Eugene Sparrow, 71981-050  
PO Box 759  
Minersville, PA 17954

**HILLMAN, District Judge**

WHEREAS, the Court is in receipt of a letter captioned as an "affidavit" from Defendant Eugene Sparrow, see ECF No. 30; and

WHEREAS, Defendant requests the appointment of counsel under 18 U.S.C. § 3006A to investigate his claims of actual innocence based on new Supreme Court law, see id. ¶ 8; and

WHEREAS, there is no right to counsel in post-conviction proceedings. See Reese v. Fulcomer, 946 F.2d 247, 263 (3d Cir. 1991), superseded on other grounds by statute, 28 U.S.C. § 2254. However, 18 U.S.C. § 3006A(a)(2)(B) provides that the court has discretion to appoint counsel where "the court determines that

the interests of justice so require . . . ."; and

WHEREAS, in Reese, the Third Circuit explained that in determining whether counsel should be appointed, a court "must first decide if petitioner has presented a nonfrivolous claim and if the appointment of counsel will benefit the petitioner and the court. Factors influencing a court's decision include the complexity of the factual and legal issues in the case, as well as the pro se petitioner's ability to investigate facts and present claims." Reese, 946 F.2d at 263-64; and

WHEREAS, the Court finds it is not in the interests of justice to appoint counsel at this time because the issues involved in this case do not appear overly complex;

THEREFORE, IT IS on this 18th day of December, 2019

ORDERED that Defendant's request for counsel under 18 U.S.C. § 3006A (ECF No. 30) be, and the same hereby is, denied; and it is finally

ORDERED that the Clerk shall serve a copy of this Order upon Defendant by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.